

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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Joshua Amar,

Plaintiff,

Civil Action No.: _____

v.

Enhanced Recovery Company, LLC,

**COMPLAINT AND DEMAND
FOR TRIAL BY JURY**

Defendant.

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Plaintiff Joshua Amar (“Plaintiff” or “Amar”), by and through his attorneys,
FREDRICK SCHULMAN & ASSOCIATES, Attorneys at Law, as and for his Complaint against
the Defendant Enhanced Recovery Company, LLC (“Defendant” or “ERC”), respectfully sets
forth, complains and alleges, upon information and belief, the following:

INTRODUCTION/PRELIMINARY STATEMENT

1. Plaintiff brings this action for damages and declaratory and injunctive relief
arising from the Defendant’s violation(s) of Sec. 1692 et. seq. of Title 15 of the United States
Code, commonly referred to as the Fair Debt Collection Practices Act (“FDCPA”).

PARTIES

2. Plaintiff is a resident of the State of New York, County of Nassau, residing at 142 Combs
Avenue, Woodmere, New York 11598.

3. Defendant is a collection firm with a principal place of business at 8014 Bayberry Rd, Jacksonville, FL 32256, and, upon information and belief, is authorized to do business in the State of New York.

4. ERC is a “debt collector” as the phrase is defined and used in the FDCPA.

JURISDICTION AND VENUE

5. The Court has jurisdiction over this matter pursuant to 28 U.S.C. Sec. 1331, as well as 15 U.S.C. Sec. 1692 et. seq. and 28 U.S.C. Sec. 2201. If applicable, the Court also has pendent jurisdiction over any State law claims in this action pursuant to 28 U.S.C. Sec. 1367(a).

6. Venue is proper in this judicial district pursuant to 28 U.S.C. Sec. 1391(b)(2).

FACTUAL ALLEGATIONS

7. Plaintiff repeats, reiterates and incorporates the allegations contained in paragraphs numbered “1” through “6” herein with the same force and effect as if the same were set forth at length herein.

8. Upon information and belief, on a date better known to the Defendant, the Defendant began collection activities on an alleged consumer debt from the Plaintiff (“Alleged Debt”).

9. In or around January, 2012, the Defendant placed at least five (5) telephone calls to the Plaintiff, and left messages for the Plaintiff on the Plaintiff’s answering machine.

10. Said calls contained personal and confidential information.

11. Said messages were attempts to collect a debt, and they were left on an answering machine which was played and heard by one or more third parties who each had the right and opportunity to play same.

12. Said messages were heard, amongst others, by Plaintiff's sister, Rebecca Amar.

13. The actions of Defendant led to embarrassment, harassment, and disclosure of confidential information to a third party.

14. Said actions by Defendant violated 15 U.S.C. Sec. 1692b(2) and 15 U.S.C. Sec. 1692c(b) which prohibit communicating with anyone except consumer and communicating to a third party, stating that a consumer owes a debt.

15. As a result of Defendant's deceptive, misleading and/or unfair debt collection practices, the Plaintiff has been damaged.

FIRST CAUSE OF ACTION

(Violations of the FDCPA)

16. Plaintiff repeats, reiterates and incorporates the allegations contained in paragraphs numbered "1" through "15" herein with the same force and effect as if the same were set forth at length herein.

17. Defendant's debt collection efforts attempted and/or directed towards the Plaintiff violate various provisions of the FDCPA, including but not limited to 15 U.S.C. Sec.1692b(2) and 15 U.S.C. Sec. 1692c(b).

18. As a result of Defendant's violations of the FDCPA, the Plaintiff has been damaged and is entitled to damages in accordance with the FDCPA.

DEMAND FOR TRIAL BY JURY

19. Plaintiff demands and hereby respectfully requests a trial by jury for all claims and issues in this complaint to which the Plaintiff is or may be entitled to a jury trial.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff Joshua Amar demands judgment from the Defendant Enhanced Recovery Company, LLC as follows:

- A. For actual damages provided and pursuant to 15 USC Sec. 1692k(a)(1);
- B. For statutory damages provided and pursuant to 15 USC Sec. 1692k(2)(A);
- C. For attorneys' fees and costs provided and pursuant to 15 USC Sec. 1692k(a)(3);
- D. For a declaration that the Defendant's practices violated the FDCPA; and,
- E. For any such other and further relief, as well as further costs, expenses and disbursements of this action, as this Court may deem just and proper.

Dated: New York, New York
December 04, 2012

Respectfully submitted,

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